

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MALCOLM JOHNSON,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No.: 2:21-cv-01982-JAD-NJK

**REPORT AND RECOMMENDATION**

On November 1, 2021, this Court denied Plaintiff's application for leave to proceed *in forma pauperis* because the application was incomplete. Docket No. 3. The Court ordered Plaintiff to either pay the full \$402 filing fee or file a signed and dated, accurate application to proceed *in forma pauperis* no later than December 1, 2021. *Id.* The Court warned that "failure to timely comply with this order may result in a recommendation to the District Judge that this case be dismissed without prejudice." *Id.*

On November 12, 2021, the Court's order was returned to the Court as undeliverable, unable to forward, at the address Plaintiff provided. Docket No. 5. "A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address." *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (*per curiam*); *see also In re Hammer*, 940 F.2d 524, 526 (9th Cir. 1991). To that end, the local rules require that litigants immediately file with the Court written notification of any change of address, and expressly warn that failure to do so may result in case-dispositive sanctions. *See* Local Rule IA 3-1.

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1 As of this date, Plaintiff has not paid the filing fee, filed a new application to proceed *in*  
2 *forma pauperis*, or updated his address. See Docket. The undersigned therefore  
3 **RECOMMENDS** that this case be **DISMISSED** without prejudice.

4 IT IS SO ORDERED.

5 Dated: March 28, 2022.

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10 NANCY J. KOPPE  
11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This report and recommendation is submitted to the United States District Judge assigned  
14 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
15 recommendation must file a written objection supported by points and authorities within fourteen  
16 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
17 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
18 F.2d 1153, 1157 (9th Cir. 1991).  
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